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In the Supreme Court
OF THE
United States

OCTOBER TERM, 1963

Nos. 71 and 73

FEDERAL POWER COMMISSION,
Petitioner,
vs.
SOUTHERN CALIFORNIA EDISON COMPANY and PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
Respondents.

CITY OF COLTON, CALIFORNIA,
Petitioner,
vs.
SOUTHERN CALIFORNIA EDISON COMPANY and PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

OBJECTION OF CALIFORNIA PUBLIC UTILITIES COMMISSION TO FILING OF AMICUS CURIAE BRIEF BY AMERICAN PUBLIC POWER ASSOCIATION

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Pursuant to Rule 42(3) of this Court, the California Public Utilities Commission (California) objects to

the granting of the motion of American Public Power Association for leave to file a brief *amicus curiae* in the above-entitled matter on behalf of the Federal Power Commission (FPC) for the following reasons:

1. There is no indication in the Association's motion or brief that it has been authorized by its members to file such motion and brief. California has been informed and believes that there are members of the Association who oppose the views expressed therein.

2. Said motion and accompanying *amicus curiae* brief do not set forth any facts or questions of law that have not been, or reasons for believing that they will not adequately be, presented by petitioners herein. (Rule 42(3).)

3. Said proposed *amicus curiae* brief attempts to enlarge the issues before the Court by urging that which the Federal Power Act does not provide; to wit, continuous FPC jurisdiction over all wholesale sales whether in interstate or intrastate commerce (Br. p. 8), thereby arguing that the Court should usurp the function of the Congress to legislate changes in the Federal Power Act.

4. Said proposed *amicus curiae* brief attempts to enlarge the narrow scope of the legal and factual issues before the Court by arguing jurisdiction over wholesale sales made by certain interconnected Eastern electric utilities whose interstate operations cannot be compared with the operation of Southern California Edison Company as set forth in the record.

WHEREFORE, California objects to the filing of said *amicus curiae* brief and prays that the motion of American Public Power Association for leave to file it be denied and that the proposed brief be rejected.

Dated: September 16, 1963.

Respectfully submitted,

RICHARD E. TUTTLE,
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